



January 29, 2010

HOUSE BILL No. 1258

DIGEST OF HB 1258 (Updated January 27, 2010 6:20 pm - DI 69)

Citations Affected: IC 15-22; IC 35-45; IC 35-46.

Synopsis: Animal regulation. Requires a retail pet store to provide each person who purchases a dog or cat with a written sales disclosure form describing the animal's history, and requires the retail pet store to transmit a copy of the sales disclosure form to the board of animal health. Provides that a pet store must post certain information concerning the animal's history on the animal's cage. Makes the failure to provide a sales disclosure form or the failure to post information on the animal's cage a Class C infraction. Makes promoting an animal fighting contest a predicate offense under the racketeering statute. Makes attending an animal fighting contest a Class D felony. Repeals an inconsistent animal fighting contest provision. Requires a person having care or custody of an equine to provide the equine with access to shelter providing protection from weather extremes and that is free from standing water, and makes the failure to provide an equine with access to appropriate shelter a Class B infraction for the first offense, and a Class A infraction for subsequent offenses.

Effective: July 1, 2010.

Lawson L, Barnes

January 12, 2010, read first time and referred to Committee on Courts and Criminal Code.
January 28, 2010, amended, reported — Do Pass.

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HB 1258—LS 6983/DI 106+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1258

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-22 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2010]:

4 **ARTICLE 22. PET STORE REGULATION**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this**
7 **article.**

8 **Sec. 2. "Board" refers to the Indiana state board of animal**
9 **health established by IC 15-17-3-1.**

10 **Sec. 3. "Litter" means two (2) or more dogs or cats that are all**
11 **or part of a group of dogs or cats born to the same mother at the**
12 **same time.**

13 **Sec. 4. "Retail pet store" means a retail establishment open to**
14 **the public that sells or offers to sell dogs or cats. The term does not**
15 **include a person that sells or offers to sell dogs or cats exclusively**
16 **that were bred or raised by the person or that are kept primarily**
17 **for the purpose of reproduction. The term does not include an**

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1 animal shelter or an animal rescue operation (as defined in
2 IC 15-21-1-1).

3 Chapter 2. Sales Disclosures

4 Sec. 1. (a) A retail pet store shall, before accepting an offer to
5 purchase a dog or cat or upon request, provide the person making
6 the offer or request with the following information in writing:

7 (1) If known, the breed, age, and date of birth for the dog or
8 cat.

9 (2) The sex and color of the dog or cat.

10 (3) A list, and accompanying proof, of all inoculations that
11 have been given to the dog or cat by any person, the date of
12 the inoculations, and the name and title of the individual who
13 administered the inoculations.

14 (4) A list of all medical treatment provided to the dog or cat
15 by any person, the date of treatment, the reason for the
16 treatment, and the name and title of the individual who
17 provided the treatment.

18 (5) The name and business address of the breeder and of the
19 facility where the dog or cat was born.

20 (6) The name and business address of the animal broker or
21 transporter, if applicable.

22 (7) If the breeder or broker holds a license issued by the
23 United States Department of Agriculture, the breeder's or
24 broker's federal license number.

25 (8) The retail price of the dog or cat.

26 (9) Any congenital disorder or hereditary diseases in the
27 parents of the dog or cat, if known.

28 (10) If the dog or cat was previously sold by the retail pet
29 store and returned by the purchaser, the reason for the
30 return.

31 (11) A statement in substantially the following form, with the
32 applicable provision number circled:

33 "The facility in which this dog or cat was born has
34 produced:

35 (A) 0 to 2 litters during the one-year period preceding the
36 day this dog or cat was born.

37 (B) 3 to 10 litters during the one-year period preceding the
38 day this dog or cat was born.

39 (C) 11 to 39 litters during the one-year period preceding
40 the day this dog or cat was born.

41 (D) 40 to 99 litters during the one-year period preceding
42 the day this dog or cat was born.

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- 1 (E) 100 to 249 litters during the one-year period preceding
- 2 the day this dog or cat was born.
- 3 (F) 250 to 499 litters during the one-year period preceding
- 4 the day this dog or cat was born.
- 5 (G) 500 to 1,000 litters during the one-year period
- 6 preceding the day this dog or cat was born.
- 7 (H) More than 1,000 litters during the one-year period
- 8 preceding the day this dog or cat was born."

9 (b) A retail pet store shall conspicuously post on the cage of a
 10 dog or cat being offered for sale, the following information:

- 11 (1) If known, the breed, age, and date of birth for the dog or
- 12 cat.
- 13 (2) The sex and color of the dog or cat.
- 14 (3) The name of the breeder and of the facility where the dog
- 15 or cat was born.
- 16 (4) The name of the animal broker or transporter, if
- 17 applicable.
- 18 (5) If the breeder or broker holds a license issued by the
- 19 United States Department of Agriculture, the breeder's or
- 20 broker's federal license number.
- 21 (6) The retail price of the dog or cat.

22 **Sec. 2. Upon completion of the sale of a cat or dog, the retail pet**
 23 **store shall transmit the information described in section 1(a) of this**
 24 **chapter to the board.**

25 **Sec. 3. A person who violates section 1 or 2 of this chapter**
 26 **commits a Class C infraction.**

27 SECTION 2. IC 35-45-6-1, AS AMENDED BY P.L.143-2009,
 28 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2010]: Sec. 1. (a) The definitions in this section apply
 30 throughout this chapter.

31 (b) "Documentary material" means any document, drawing,
 32 photograph, recording, or other tangible item containing compiled data
 33 from which information can be either obtained or translated into a
 34 usable form.

- 35 (c) "Enterprise" means:
- 36 (1) a sole proprietorship, corporation, limited liability company,
- 37 partnership, business trust, or governmental entity; or
- 38 (2) a union, an association, or a group, whether a legal entity or
- 39 merely associated in fact.

40 (d) "Pattern of racketeering activity" means engaging in at least two
 41 (2) incidents of racketeering activity that have the same or similar
 42 intent, result, accomplice, victim, or method of commission, or that are

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1 otherwise interrelated by distinguishing characteristics that are not
2 isolated incidents. However, the incidents are a pattern of racketeering
3 activity only if at least one (1) of the incidents occurred after August
4 31, 1980, and if the last of the incidents occurred within five (5) years
5 after a prior incident of racketeering activity.

6 (e) "Racketeering activity" means to commit, to attempt to commit,
7 to conspire to commit a violation of, or aiding and abetting in a
8 violation of any of the following:

- 9 (1) A provision of IC 23-19, or of a rule or order issued under
10 IC 23-19.
- 11 (2) A violation of IC 35-45-9.
- 12 (3) A violation of IC 35-47.
- 13 (4) A violation of IC 35-49-3.
- 14 (5) Murder (IC 35-42-1-1).
- 15 (6) Battery as a Class C felony (IC 35-42-2-1).
- 16 (7) Kidnapping (IC 35-42-3-2).
- 17 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 18 (9) Child exploitation (IC 35-42-4-4).
- 19 (10) Robbery (IC 35-42-5-1).
- 20 (11) Carjacking (IC 35-42-5-2).
- 21 (12) Arson (IC 35-43-1-1).
- 22 (13) Burglary (IC 35-43-2-1).
- 23 (14) Theft (IC 35-43-4-2).
- 24 (15) Receiving stolen property (IC 35-43-4-2).
- 25 (16) Forgery (IC 35-43-5-2).
- 26 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 27 (18) Bribery (IC 35-44-1-1).
- 28 (19) Official misconduct (IC 35-44-1-2).
- 29 (20) Conflict of interest (IC 35-44-1-3).
- 30 (21) Perjury (IC 35-44-2-1).
- 31 (22) Obstruction of justice (IC 35-44-3-4).
- 32 (23) Intimidation (IC 35-45-2-1).
- 33 (24) Promoting prostitution (IC 35-45-4-4).
- 34 (25) Professional gambling (IC 35-45-5-3).
- 35 (26) Maintaining a professional gambling site
36 (IC 35-45-5-3.5(b)).
- 37 (27) Promoting professional gambling (IC 35-45-5-4).
- 38 (28) Dealing in or manufacturing cocaine or a narcotic drug
39 (IC 35-48-4-1).
- 40 (29) Dealing in or manufacturing methamphetamine
41 (IC 35-48-4-1.1).
- 42 (30) Dealing in a schedule I, II, or III controlled substance

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- 1 (IC 35-48-4-2).
- 2 (31) Dealing in a schedule IV controlled substance
- 3 (IC 35-48-4-3).
- 4 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 5 (33) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- 6 (34) Money laundering (IC 35-45-15-5).
- 7 (35) A violation of IC 35-47.5-5.
- 8 (36) A violation of any of the following:
- 9 (A) IC 23-14-48-9.
- 10 (B) IC 30-2-9-7(b).
- 11 (C) IC 30-2-10-9(b).
- 12 (D) IC 30-2-13-38(f).

(37) Promoting an animal fighting contest (IC 35-46-3-9.5).

SECTION 3. IC 35-46-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. A person who knowingly or intentionally:

- 17 (1) promotes or stages an animal fighting contest;
- 18 (2) uses an animal in a fighting contest; or
- 19 (3) attends an animal fighting contest; ~~having an animal in the~~
- 20 ~~person's possession;~~
- 21 commits a Class D felony.

SECTION 4. IC 35-46-3-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 16. (a) As used in this section, "equine" has the meaning set forth in IC 34-6-2-40.**

(b) A person having care or custody of an equine shall provide the equine with access to shelter (including trees or other natural barriers providing shelter) that provides protection from weather extremes and that is free from standing water.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B infraction. However, the offense is a Class A infraction if the person has at least two (2) prior unrelated judgments for violations of this section.

SECTION 5. IC 35-46-3-10 IS REPEALED [EFFECTIVE JULY 1, 2010].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1258, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "one (1)" and insert "**two (2)**".

Page 1, line 17, after "reproduction." insert "**The term does not include an animal shelter or an animal rescue operation (as defined in IC 15-21-1-1).**".

Page 2, line 3, delete "," and insert "**or upon request,**".

Page 2, line 3, after "offer" insert "**or request**".

Page 2, line 39, delete "or more" and insert "**to 99**".

Page 2, line 40, delete " "., begin a new line double block indented and insert:

"(E) 100 to 249 litters during the one-year period preceding the day this dog or cat was born.

(F) 250 to 499 litters during the one-year period preceding the day this dog or cat was born.

(G) 500 to 1,000 litters during the one-year period preceding the day this dog or cat was born.

(H) More than 1,000 litters during the one-year period preceding the day this dog or cat was born."

Page 3, line 4, delete "and business address".

Page 3, line 6, delete "and business address".

Page 3, delete lines 12 through 23.

Page 3, delete lines 29 through 42.

Page 4, delete lines 1 through 28.

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 4. IC 35-46-3-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16. (a) As used in this section, "equine" has the meaning set forth in IC 34-6-2-40.

(b) A person having care or custody of an equine shall provide the equine with access to shelter (including trees or other natural barriers providing shelter) that provides protection from weather extremes and that is free from standing water.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B infraction. However, the offense is a Class A

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infraction if the person has at least two (2) prior unrelated judgments for violations of this section."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1258 as introduced.)

PIERCE, Chair

Committee Vote: yeas 11, nays 0.

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